



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

## BUREAU OF AIR MANAGEMENT TITLE V OPERATING PERMIT

Issued pursuant to Title 22a of the Connecticut General Statutes (CGS) and Section 22a-174-33 of the Regulations of Connecticut State Agencies (RCSA) and pursuant to the Code of Federal Regulations (CFR), Title 40, Part 70.

<b>Title V Permit Number</b>	<b>117-0263-TV</b>
<b>Client/Sequence/Town/Premises Numbers</b>	<b>1457/1/117/120</b>
<b>Date Issued</b>	October 31, 2017
<b>Expiration Date</b>	October 31, 2022

**Corporation:**

*New Haven Terminal, Inc.*

**Premises Location:**

*100 Waterfront Street, New Haven, CT 06512*

**Name of Responsible Official and Title:**

*Michael Vasaturo – Chief Financial Officer*

All the following attached pages, 2 through 21, are hereby incorporated by reference into this Title V Operating Permit.

/s/Anne Gobin for  
Robert J. Klee  
Commissioner

October 31, 2017  
Date

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## **Title V Operating Permit**

**All conditions in Sections III, IV, and VI of this Title V permit are enforceable by both the Administrator and the commissioner unless otherwise specified. Applicable requirements and compliance demonstration are set forth in Section III of this Title V permit. The Administrator or any citizen of the United States may bring an action to enforce all permit terms or conditions or requirements contained in Sections III, IV, and VI of this Title V permit in accordance with the Clean Air Act, as amended.**

## LIST OF ABBREVIATIONS/ACRONYMS

<i>Abbreviation/Acronym</i>	<i>Description</i>
CFR	Code of Federal Regulations
CGS	Connecticut General Statutes
EU	Emissions Unit
EPA	Environmental Protection Agency
GEU	Grouped Emissions Unit
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
RCSA	Regulations of Connecticut State Agencies
SIC	Source Identification Code
SOS	Standard Operating Scenario
VOC	Volatile Organic Compound

## Section I: Premises Information/Description

### A. PREMISES INFORMATION

Nature of Business: Bulk Petroleum and Chemical Distribution Terminal  
Primary SIC: 5171 Petroleum Bulk Stations and Terminals

Facility Mailing Address: New Haven Terminal, Inc.  
POB 9423  
100 Waterfront Street  
New Haven, Connecticut 06534-0423

Telephone Number: (203) 468-0805

### B. PREMISES DESCRIPTION

New Haven Terminal, Inc. New Haven (NHT NH) is located at 100 Waterfront Street, New Haven, CT, approximately 41°17'20" latitude, 72°54'20" longitude. The premises is located on the eastern shore of New Haven Harbor. The terminal is abutted to the north by a marine terminal operated by Wyatt Energy, Inc. A second marine terminal facility, which is operated by Northeast Petroleum, Division of Cargill Inc. is located south of NHT NH. Waterfront Street forms the eastern boundary of the property.

NHT NH is a bulk chemical and petroleum distribution terminal with principal operations consisting of the receipt, storage and distribution of chemical and petroleum products.

NHT NH is a Title V source because it is subject to 40 CFR Part 63 Subpart R, Gasoline Distribution and 40 CFR Part 60 Subpart XX Bulk Gasoline Terminals. Emissions from the facility are predominantly VOC.

Products handled at the facility are typically received by marine vessel at the terminal's loading dock(s). A small volume of product is delivered to the terminal by cargo truck. Product is transferred via product piping from the marine vessel at the vessel dock, or from cargo trucks, to bulk above ground tanks located within the terminal's tank farm. This facility also has the capability to transfer petroleum product via an inter-terminal pipeline to an upland tank farm also operated by NHT located in East Haven, CT (NHT EH). Final distribution of all products is principally conducted at the terminal's truck loading racks.

NHT NH has three storage tanks capable of storing gasoline at their facility. These tanks subject the facility to the Gasoline Distribution MACT. To streamline monitoring, recording and record keeping requirements, these tanks are covered by the Title V permit issued to NHT EH (054-0015-TV), which is also subject to the Gasoline Distribution MACT. This was discussed with EPA Region I and is an acceptable alternative due to the common ownership of the two facilities and the connection via pipeline.

If gasoline is to be stored and distributed in the future, an NSR applicability determination on the associated equipment is required prior to the commencement of these operations.

The facility has the capability of loading marine vessels. This is not a typical operation and is done only to return off-spec product or in an emergency to supply another terminal in need of product. The actual emissions (0.05 ton total HAP) from marine vessel loading are far below major thresholds (10 tons individual HAP, 25 tons total HAP); therefore, 40 CFR Part 63 Subpart Y, the marine vessel loading MACT, does not apply. However, should the emissions from marine vessel loading break major thresholds at any time, the MACT will apply.

## Section II: Emissions Units Information

### A. EMISSIONS UNITS IDENTIFICATION

Emissions units are set forth in Table II.A. It is not intended to incorporate by reference these Registrations into this Title V permit.

TABLE II.A: EMISSION UNIT DESCRIPTION			
Emissions Unit	Emissions Unit Description	Control Unit Description	Registration Number (-R) or Regulation Cite
EU 3	Tank 1 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0430-R RCSA §22a-174-20(a)
EU 4	Tank 2 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0431-R RCSA §22a-174-20(a)
EU 5	Tank 3 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0432-R RCSA §22a-174-20(a)
EU 6	Tank 4 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0433-R RCSA §22a-174-20(a)
EU 7	Tank 6 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0434-R RCSA §22a-174-20(a)
EU 8	Tank 7 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0435-R RCSA §22a-174-20(a)
EU 9	Tank 8 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0436-R RCSA §22a-174-20(a)
EU 10	Tank 13 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0438-R RCSA §22a-174-20(a)
EU 11	Tank 14 – Bulk petroleum storage tank, gasoline, distillate or chemical. <b>Included in Title V permit for 119 Frontage Road, East Haven.</b>	Internal floating roof, liquid mounted primary seal	117-0439-R RCSA §§22a-174-20(a),- 28 40 CFR Part 60 Subpart Kb 40 CFR Part 63 Subpart R
EU 12	Tank 15 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0440-R RCSA §22a-174-20(a)
EU 13	Tank 16 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	None RCSA §22a-174-20(a)
EU 14	Tank 17 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0441-R RCSA §22a-174-20(a)
EU 15	Tank 18 – Bulk petroleum storage tank, gasoline, distillate or chemical. <b>Included in Title V permit for 119 Frontage Road, East Haven.</b>	Internal floating roof, liquid mounted primary seal	117-0442-R RCSA §§22a-174-20(a),- 28 40 CFR Part 60 Subpart Kb 40 CFR Part 63 Subpart R
EU 16	Tank 19 – Bulk petroleum storage tank, gasoline, distillate or chemical. <b>Included in Title V permit for 119 Frontage Road, East Haven.</b>	Internal floating roof, liquid mounted primary seal	117-0443-R RCSA §§22a-174-20(a),- 28 40 CFR Part 60 Subpart Kb 40 CFR Part 63 Subpart R
EU 17	Tank 20 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	117-0444-R RCSA §22a-174-20(a)
EU 18	Tank 21 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
EU 19	Tank 22 – Bulk petroleum storage tank, distillate <b>Included in Title V permit for 119 Frontage Road, East Haven.</b>	Internal floating roof, liquid mounted primary seal	RCSA §§22a-174-20(a),- 28 40 CFR Part 60 Subpart Kb 40 CFR Part 63 Subpart R
EU 20	Tank 23 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
EU 21	Tank 24 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
EU 22	Tank 25 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
EU 23	Tank 26 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)

## Section II: Emissions Units Information

<b>TABLE II.A: EMISSION UNIT DESCRIPTION (cont'd)</b>			
<b>Emissions Unit</b>	<b>Emissions Unit Description</b>	<b>Control Unit Description</b>	<b>Registration Number (-R) or Regulation Cite</b>
<b>EU 24</b>	Tank 27 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
<b>EU 25</b>	Tank 28 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
<b>EU 26</b>	Tank 29 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
<b>EU 27</b>	Tank 30 – Bulk petroleum storage tank, distillate or chemical	Vertical fixed roof	RCSA §22a-174-20(a)
<b>EU 28</b>	Tank 1E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 29</b>	Tank 2E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 30</b>	Tank 3E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 31</b>	Tank 4E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 32</b>	Tank 5E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 33</b>	Tank 7E	Horizontal fixed roof	RCSA §22a-174-20(a)
<b>EU 34</b>	“Own-use” loading operation	None	RCSA §22a-174-20(a)
<b>EU 35</b>	Truck loading operation, distillate and chemical	None	RCSA §22a-174-20(b)
<b>EU 37</b>	Vessel Loading operations	None	RCSA §22a-174-20(b) 40 CFR Part 63 Subpart Y
<b>GEU 1</b>	EU 3-10, 12-14, 17-33	As above	As above
<b>GEU 2</b>	EU 35, 37	As above	As above

### B. OPERATING SCENARIO IDENTIFICATION

The Permittee shall be allowed to operate under the following Standard Operating Scenario (SOS) without notifying the commissioner, provided that such operations are explicitly provided for and described in Table II.B.

<b>TABLE II.B: OPERATING SCENARIO IDENTIFICATION</b>		
<b>Identification of Operating Scenarios</b>	<b>Emissions Unit(s) Associated with the Scenarios</b>	<b>Description of Scenarios</b>
SOS	All units are included in the standard operating scenario.	Chemical and petroleum distribution

### Section III: Applicable Requirements and Compliance Demonstration

The following contains summaries of applicable regulations and compliance demonstration for each identified Emissions Unit regulated by this Title V permit.

#### A. GEU 1: FIXED ROOF TANKS Subject to RCSA §22a-174-20(a)

##### 1. VOC Control and Vapor Pressure

###### a. *Limitation or Restriction*

- i. The Permittee shall not place, store or hold in any aboveground storage tank of 40,000 gallons (150,000 liters) capacity or greater any VOC with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions unless the tank is designed and equipped with a fixed roof and a vapor recovery system that is designed and operated to reduce emissions of VOCs to the atmosphere by at least 95 percent by weight. The Permittee shall perform the following actions no later than March 7, 2024 if the tank is in existence prior to March 7, 2014 or by the initial fill date if a tank is constructed on or after March 7, 2014: [RCSA §22a-174-20(a)(2)(C)]
  - (A) Equip any gauging or sampling device on the tank with a leak-free cover that shall be closed at all times, with no visible gaps, except during gauging or sampling;
  - (B) Maintain the fixed roof in a leak-free condition with no holes, tears or uncovered openings;
  - (C) Install and maintain each roof opening in a leak-free condition at all times except when the cover is open for access or when a vent is required to be open to relieve excess pressure or vacuum in accordance with the manufacturer's design; and
- ii. The Permittee shall not place, store, or hold in any stationary storage vessel of more than 250-gallon (950 liter) capacity any VOC with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank. Submerged fill pipes installed on or prior to March 7, 2014 shall have a discharge point no more than 18 inches from the bottom of the storage tank or be compliant with the requirements of 40 CFR Part 63 Subpart CCCCCC. Submerged fill pipes installed after March 7, 2014 shall have a discharge point no more than six inches from the bottom of the storage tank. [RCSA §22a-174-20(a)(5)]
- iii. The Permittee shall not perform degassing of an above ground storage tank during the period of June 1 through August 31 of any calendar year unless such degassing is for the purpose of performing a repair that is necessary for the safe and proper function of the tank. The Permittee shall notify the commissioner when a tank is emptied and degassed for the purpose of performing a repair within 72 hours of completing the degassing and repair. Such notification shall be submitted to the Compliance Assistance and Coordination Unit of the Bureau of Air Management and shall include the following information: [RCSA §§22a-174-20(a)(9)(A) and (B)]
  - (A) Identification of the facility and the tank degassed;
  - (B) Identification of the VOC stored;
  - (C) An explanation of the need to degas the tank during the period from June 1 through August 31;
  - (D) The date the owner or operator determined that degassing and repair would be necessary;
  - (E) The dates that degassing commenced and was completed; and
  - (F) The date that inspection, repair and refilling was or is anticipated to be completed.
- iv. The Permittee shall clean an aboveground storage tank using one or more of the following methods: [RCSA §22a-174-20(a)(9)(C)]
  - (A) Using any of the following cleaning agents:
    - (1) Diesel fuel;
    - (2) A solvent with an initial boiling point of greater than 302 degrees Fahrenheit;

### **Section III: Applicable Requirements and Compliance Demonstration**

- (3) A solvent with a vapor pressure less than 0.5 pounds per square inch;
- (4) A solvent with 50 grams per liter VOC content or less; or
- (5) Another cleaning agent approved by the commissioner and the Administrator.

(B) Steam cleaning.

#### *b. Monitoring Requirements*

- i. Once per month, the Permittee shall demonstrate compliance with RCSA §22a-174-20(a) by inspecting the fittings located on the roof, piping, pressure relief valves and all other valves to ensure they are leak-free using EPA Method 21 or using another method approved by the commissioner and the Administrator. [RCSA §22a-174-20(a)(2)(C)(iv)]
- ii. If any piping, valves, vents, seals, gaskets or covers of roof openings are found to have defects or visible gaps or the VOC control requirements of RCSA §22a-174-20(a), the Permittee shall: [RCSA §22a-174-20(a)(4)]
  - (A) If the tank is not storing liquid, complete repairs or replacements prior to filling the tank;
  - (B) If the tank is storing liquid, complete repairs or replacements or remove the tank from service within 45 days after discovery of the defect or visible gap. If the owner or operator anticipates that a repair or replacement cannot be completed or the tank cannot be emptied within such 45 day period, the Permittee shall notify the commissioner prior to the end of such 45 day period. The Permittee shall make repairs or completely empty the tank as soon as possible; and
  - (C) Any evidence of leakage as described in RCSA §22a-174-20(a) shall also be treated as a malfunction of control equipment as described in RCSA §22a-174-7.

#### *c. Record Keeping Requirements*

The Permittee shall make and maintain the following records: [RCSA §22a-174-20(a)(10)(B)]

- i. For each tank, records of the VOC stored, vapor pressure, monthly throughput.
- ii. A Material Safety Data Sheet or Environmental Data Sheet for each VOC stored.
- iii. Documentation of any leak detected, including, but not limited to, the date the leak was detected, location of the leak, type of repair made and the date of repair and explanation of the reason for delaying repair, if applicable.
- iv. Dates of all tank degassing activities performed.
- v. Date, cleaning method and cleaning agents used for any cleaning performed.
- vi. Any approval by the commissioner or Administrator issued pursuant to RCSA §22a-174-20(a).

#### *d. Reporting Requirements*

The Permittee shall provide the records specified in Section III.A.1.c of this Title V permit to the commissioner within 30 days of receipt of a written request from the commissioner or such sooner time as the commissioner may require. [RCSA §22a-174-4(d)(1)]

### **B. GEU 2, TRUCK AND VESSEL LOADING OPERATIONS**

**Subject to RCSA §22a-174-20(b), 40 CFR Part 63 Subpart Y (EU-37, if HAP emissions exceed the major source threshold)**

#### **1. VOC Control**

##### *a. Limitation or Restriction*

- i. The Permittee shall not load or permit the loading of any VOC with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions into any delivery vehicle from any loading facility with a throughput of 10,000 gallons or more in any one day unless such loading facility is equipped with a vapor collection and vapor recovery system or its equivalent, properly installed, in

### Section III: Applicable Requirements and Compliance Demonstration

good working order, and in operation, and: [RCSA §22a-174-20(b)(2)]

- (A) The vapors discharged from the delivery vehicle during loading are processed by a vapor recovery system; and
  - (B) The amount of VOC released to the ambient air is less than 80 milligrams per liter of liquid loaded over a six hour period. To determine compliance with this requirement the reference methods and test procedures found in 40 CFR §§60.503(a) and 60.503(c), respectively, shall be used.
- ii. The Permittee shall not load or permit the loading of any VOC with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions into any delivery vehicle having a capacity in excess of 200 gallons (760 liters) from any loading facility with a throughput of 10,000 gallons or more in any one day unless such loading facility is equipped with a loading arm with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any delivery vehicle, or to accomplish complete drainage before such removal. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings that make vapor-tight connections and close automatically when disconnected. [RCSA §22a-174-20(b)(3)]
  - iii. The Permittee shall not cause, allow or permit leakage from any equipment in VOC service, including but not limited to pumps, valves and compressors. Any equipment in VOC service that is leaking as determined by sight, smell, sound or measurement of VOCs in excess of 5000 parts per million shall be repaired no later than 15 days after detection. A request to delay a repair of a leak may be made to the commissioner and the Administrator in writing if the repair is infeasible for technical or safety reasons. Such a request shall be submitted no later than 15 days after detection of the leak. [RCSA §22a-174-20(b)(17)]

#### *b. Monitoring Requirements*

The Permittee shall demonstrate compliance with the VOC Control requirements of Section III.B.1.a of this Title V permit based on the following:

- i. Calculate an annual estimate of HAP emissions, excluding commodities exempted by 40 CFR §63.560(d), from marine tank vessel loading operations. Emissions estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimation techniques generally accepted in industry practice for operating conditions at the source.[40 CFR §63.565(l)]

#### *c. Record Keeping Requirements*

The Permittee shall keep records of the emissions estimate calculations made in accordance with Section III.B.1.b.i. [40 CFR §63.567(j)(1)]

#### *d. Reporting Requirements*

The Permittee shall provide the following reports:

- i. Notify the commissioner in writing of any planned changes to the loading equipment not less than 30 days before the changes are performed. [RCSA §22a-174-33(j)(K)(ii)]
- ii. Provide the records specified in Section III.B.1.c of this Title V permit to the commissioner within 30 days of receipt of a written request from the commissioner or such sooner time as the commissioner may require. [RCSA §22a-174-4(d)(1)]

### Section III: Applicable Requirements and Compliance Demonstration

#### C. 40 CFR PART 68 REQUIREMENTS, 112(r) ACCIDENTAL RELEASE REQUIREMENTS

Should this stationary source, as defined in 40 CFR §68.3, become subject to the accidental release prevention regulations in 40 CFR Part 68, the Permittee shall submit a risk management plan to the Administrator by the date specified in 40 CFR §68.10.

#### D. ASBESTOS REQUIREMENTS

Should this stationary source, as defined in 40 CFR §61.145, become subject to the national emission standard for asbestos regulations in 40 CFR Part 61 Subpart M when conducting any renovation or demolition at this premises, then the Permittee shall submit proper notification as described in 40 CFR §61.145(b) and shall comply with all other applicable requirements of including but not limited to 40 CFR Part 61 Subpart M.

#### E. PREMISES-WIDE GENERAL REQUIREMENTS

1. **Annual Emission Statements:** The Permittee shall submit annual emission statements requested by the commissioner as set forth in RCSA §22a-174-4(d)(1).
2. **Emergency Episode Procedures:** The Permittee shall comply with the procedures for emergency episodes as set forth in RCSA §22a-174-6.
3. **Reporting of Malfunctioning Control Equipment:** The Permittee shall comply with the reporting requirements of malfunctioning control equipment as set forth in RCSA §22a-174-7.
4. **Prohibition of Air Pollution:** The Permittee shall comply with the requirement to prevent air pollution as set forth in RCSA §22a-174-9.
5. **Public Availability of Information:** The public availability of information shall apply, as set forth in RCSA §22a-174-10.
6. **Prohibition Against Concealment/Circumvention:** The Permittee shall comply with the prohibition against concealment or circumvention as set forth in RCSA §22a-174-11.
7. **Violations and Enforcement:** The Permittee shall not violate or cause the violation of any applicable regulation as set forth in RCSA §22a-174-12.
8. **Variations:** The Permittee may apply to the commissioner for a variance from one or more of the provisions of these regulations as set forth in RCSA §22a-174-13.
9. **No Defense to Nuisance Claim:** The Permittee shall comply with the regulations as set forth in RCSA §22a-174-14.
10. **Severability:** The Permittee shall comply with the severability requirements as set forth in RCSA §22a-174-15.
11. **Responsibility to Comply:** The Permittee shall be responsible to comply with the applicable regulations as set forth in RCSA §22a-174-16.
12. **Particulate Emissions:** The Permittee shall comply with the standards for control of particulate matter and visible emissions as set forth in RCSA §22a-174-18. (Section 18 approved by EPA on 9-23-1982, current Regulation submitted to EPA on 12-1-2004.)

### **Section III: Applicable Requirements and Compliance Demonstration**

- 13. Sulfur Compound Emissions:** The Permittee shall comply with the requirements for control of sulfur compound emissions as set forth in RCSA §§22a-174-19, -19a and -19b, as applicable.
- 14. Organic Compound Emissions:** The Permittee shall comply with the requirements for control of organic compound emissions as set forth in RCSA §22a-174-20.
- 15. Nitrogen Oxide Emissions:** The Permittee shall comply with the requirements for control of nitrogen oxide emissions as set forth in RCSA §§22a-174-22, -22e and -22f.
- 16. Ambient Air Quality:** The Permittee shall not cause or contribute to a violation of an ambient air quality standard as set forth in RCSA §22a-174-24(b).
- 17. Emission Fees:** The Permittee shall pay an emission fee as set forth in RCSA §22a-174-26(d).
- 18. Oxygenated Gasoline:** The Permittee shall comply with the requirements set forth in RCSA §22a-174-28.
- 19. Order No. 8078:** The Permittee shall comply with the requirements of Order No. 8078.

## Section IV: Compliance Schedule

<b>Table IV.A: COMPLIANCE SCHEDULE</b>				
<b>Emissions Units</b>	<b>Applicable Regulations</b>	<b>Steps Required for Achieving Compliance (Milestones)</b>	<b>Date by which each Step is to be Completed</b>	<b>Dates for Monitoring, Record Keeping, and Reporting</b>
		No steps are required for achieving compliance at this time.		

## Section V: State Enforceable Terms and Conditions

Only the Commissioner of the Department of Energy and Environmental Protection has the authority to enforce the terms, conditions and limitations contained in this section.

### SECTION V: STATE ENFORCEABLE TERMS AND CONDITIONS

- A.** This Title V permit does not relieve the Permittee of the responsibility to conduct, maintain and operate the emissions units in compliance with all applicable requirements of any other Bureau of the Department of Energy and Environmental Protection or any federal, local or other state agency. Nothing in this Title V permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- B.** Nothing in this Title V permit shall affect the commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, investigate air pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of this or any other permit issued to the Permittee by the commissioner.
- C.** Additional Emissions Units
1. The Permittee shall make and submit a written record, at the commissioner's request, within 30 days of receipt of notice from the commissioner, or by such other date specified by the commissioner, of each additional emissions unit or group of similar or identical emissions units at the premises.
  2. Such record of additional emissions units shall include each emissions unit, or group of emissions units, at the premises which is not listed in Section II.A of this Title V permit, unless the emissions unit, or group of emissions units, is:
    - a. an insignificant emissions unit as defined in RCSA §22a-174-33; or
    - b. an emissions unit or activity listed in *White Paper for Streamlined Development of Part 70 Permit Applications, Attachment A* (EPA guidance memorandum dated July 10, 1995).
  3. For each emissions unit, or group of emissions units, on such record, the record shall include, as available:
    - a. Description, including make and model;
    - b. Year of construction/installation or if a group, range of years of construction/installation;
    - c. Maximum throughput or capacity; and
    - d. Fuel type, if applicable.
- D.** Odors: The Permittee shall not cause or permit the emission of any substance or combination of substances which creates or contributes to an odor that constitutes a nuisance beyond the property boundary of the premises as set forth in RCSA §22a-174-23.
- E.** Noise: The Permittee shall operate in compliance with the regulations for the control of noise as set forth in RCSA §§22a-69-1 through 22a-69-7.4, inclusive.

## **Section V: State Enforceable Terms and Conditions**

- F.** Hazardous Air Pollutants (HAPs): The Permittee shall operate in compliance with the regulations for the control of HAPs as set forth in RCSA §22a-174-29.
- G.** Open Burning: The Permittee is prohibited from conducting open burning, except as may be allowed by CGS §22a-174(f).
- H.** Fuel Sulfur Content
  - 1. For the period beginning July 1, 2014 and ending June 30, 2018, the Permittee shall not use No. 2 heating oil that exceeds five hundred parts per million of sulfur by weight as set forth in CGS §16a-21a(a)(2)(A); and
  - 2. On or after July 1, 2018, the Permittee shall not use No. 2 heating oil that exceeds fifteen parts per million of sulfur by weight as set forth in CGS §16a-21a(a)(2)(B) .

## **Section VI: Title V Requirements**

The Administrator of the United States Environmental Protection Agency and the Commissioner of the Department of Energy and Environmental Protection have the authority to enforce the terms and conditions contained in this section.

### **SECTION VI: TITLE V REQUIREMENTS**

#### **A. SUBMITTALS TO THE COMMISSIONER & ADMINISTRATOR**

The date of submission to the commissioner of any document required by this Title V permit shall be the date such document is received by the commissioner. The date of any notice by the commissioner under this Title V permit, including, but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is delivered or the date three days after it is mailed by the commissioner, whichever is earlier. Except as otherwise specified in this Title V permit, the word "day" means calendar day. Any document or action which is required by this Title V permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

Any document required to be submitted to the commissioner under this Title V permit shall, unless otherwise specified in writing by the commissioner, be directed to: Office of the Director; Engineering & Enforcement Division; Bureau of Air Management; Department of Energy and Environmental Protection; 79 Elm Street, 5th Floor; Hartford, Connecticut 06106-5127.

Any submittal to the Administrator of the Environmental Protection Agency shall be in a computer-readable format and addressed to: U.S. EPA New England, 5 Post Office Square, Suite 100 (OES04-2), Boston, Massachusetts 02109, Attn: Air Clerk.

#### **B. CERTIFICATIONS [RCSA §22a-174-33(b)]**

In accordance with RCSA §22a-174-33(b), any report or other document required by this Title V permit and any other information submitted to the commissioner or Administrator shall be signed by an individual described in RCSA §22a-174-2a(a), or by a duly authorized representative of such individual. Any individual signing any document pursuant to RCSA §22a-174-33(b) shall examine and be familiar with the information submitted in the document and all attachments thereto, and shall make inquiry of those individuals responsible for obtaining the information to determine that the information is true, accurate, and complete, and shall also sign the following certification as provided in RCSA §22a-174-2a(a)(4):

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under Section 22a-175 of the Connecticut General Statutes, under Section 53a-157b of the Connecticut General Statutes, and in accordance with any applicable statute.”

#### **C. SIGNATORY RESPONSIBILITY [RCSA §22a-174-2a(a)]**

For purposes of signing any Title V-related application, document, report or certification required by RCSA §22a-174-33, any corporation's duly authorized representative may be either a named individual or any individual occupying a named position. Such named individual or individual occupying a named position is a duly authorized representative if such individual is responsible for the overall operation of one or more manufacturing, production or operating facilities subject to RCSA §22a-174-33 and either:

## Section VI: Title V Requirements

1. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding 25 million dollars in second quarter 1980 dollars; or
2. The delegation of authority to the duly authorized representative has been given in writing by an officer of the corporation in accordance with corporate procedures and the following:
  - i. Such written authorization specifically authorizes a named individual, or a named position, having responsibility for the overall operation of the Title V premises or activity,
  - ii. Such written authorization is submitted to the commissioner and has been approved by the commissioner in advance of such delegation. Such approval does not constitute approval of corporate procedures, and
  - iii. If a duly authorized representative is a named individual in an authorization submitted under subclause ii. of this subparagraph and a different individual is assigned or has assumed the responsibilities of the duly authorized representative, or, if a duly authorized representative is a named position in an authorization submitted under subclause ii. of this subparagraph and a different named position is assigned or has assumed the duties of the duly authorized representative, a new written authorization shall be submitted to the commissioner prior to or together with the submission of any application, document, report or certification signed by such representative.

### **D. ADDITIONAL INFORMATION [RCSA §22a-174-33(j)(1)(X), RCSA §22a-174-33(h)(2)]**

The Permittee shall submit additional information in writing, at the commissioner's request, within 30 days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier, including information to determine whether cause exists for modifying, revoking, reopening, reissuing, or suspending this Title V permit or to determine compliance with this Title V permit.

In addition, the Permittee shall submit information to address any requirements that become applicable to the subject source and shall submit correct, complete, and sufficient information within 15 days of the applicant's becoming aware of any incorrect, incomplete, or insufficient submittal, during the pendency of the application, or any time thereafter, with an explanation for such deficiency and a certification pursuant to RCSA §22a-174-2a(a)(5).

### **E. MONITORING REPORTS [RCSA §22a-174-33(o)(1)]**

A Permittee, required to perform monitoring pursuant to this Title V permit, shall submit to the commissioner, on forms prescribed by the commissioner, written monitoring reports on March 1 and September 1 of each year or on a more frequent schedule if specified in such permit. Such monitoring reports shall include the date and description of each deviation from a permit requirement including, but not limited to:

1. Each deviation caused by upset or control equipment deficiencies; and
2. Each deviation of a permit requirement that has been monitored by the monitoring systems required under this Title V permit, which has occurred since the date of the last monitoring report; and
3. Each deviation caused by a failure of the monitoring system to provide reliable data.

### **F. PREMISES RECORDS [RCSA §22a-174-33(o)(2)]**

Unless otherwise required by this Title V permit, the Permittee shall make and keep records of all required

## Section VI: Title V Requirements

monitoring data and supporting information for at least five years from the date such data and information were obtained. The Permittee shall make such records available for inspection at the site of the subject source, and shall submit such records to the commissioner upon request. The following information, in addition to required monitoring data, shall be recorded for each permitted source:

1. The type of monitoring or records used to obtain such data, including record keeping;
2. The date, place, and time of sampling or measurement;
3. The name of the individual who performed the sampling or the measurement and the name of such individual's employer;
4. The date(s) on which analyses of such samples or measurements were performed;
5. The name and address of the entity that performed the analyses;
6. The analytical techniques or methods used for such analyses;
7. The results of such analyses;
8. The operating conditions at the subject source at the time of such sampling or measurement; and
9. All calibration and maintenance records relating to the instrumentation used in such sampling or measurements, all original strip-chart recordings or computer printouts generated by continuous monitoring instrumentation, and copies of all reports required by the subject permit.

### **G. PROGRESS REPORTS [RCSA §22a-174-33(q)(1)]**

The Permittee shall, on March 1 and September 1 of each year, or on a more frequent schedule if specified in this Title V permit, submit to the commissioner a progress report on forms prescribed by the commissioner, and certified in accordance with RCSA §22a-174-2a(a)(5). Such report shall describe the Permittee's progress in achieving compliance under the compliance plan schedule contained in this Title V permit. Such progress report shall:

1. Identify those obligations under the compliance plan schedule in this Title V permit which the Permittee has met, and the dates on which they were met; and
2. Identify those obligations under the compliance plan schedule in this Title V permit which the Permittee has not timely met, explain why they were not timely met, describe all measures taken or to be taken to meet them and identify the date by which the Permittee expects to meet them.

Any progress report prepared and submitted pursuant to RCSA §22a-174-33(q)(1) shall be simultaneously submitted by the Permittee to the Administrator.

### **H. COMPLIANCE CERTIFICATIONS [RCSA §22a-174-33(q)(2)]**

The Permittee shall, on March 1 of each year, or on a more frequent schedule if specified in this Title V permit, submit to the commissioner a written compliance certification certified in accordance with RCSA §22a-174-2a(a)(5) and which includes the information identified in 40 CFR §§70.6(c)(5)(iii)(A) to (C), inclusive.

Any compliance certification prepared and submitted pursuant to RCSA §22a-174-33(q)(2) shall be

## Section VI: Title V Requirements

simultaneously submitted by the Permittee to the Administrator.

### **I. PERMIT DEVIATION NOTIFICATIONS [RCSA §22a-174-33(p)]**

Notwithstanding Section VI.D of this Title V permit, the Permittee shall notify the commissioner in writing, on forms prescribed by the commissioner, of any deviation from an emissions limitation, and shall identify the cause or likely cause of such deviation, all corrective actions and preventive measures taken with respect thereto, and the dates of such actions and measures as follows:

1. For any hazardous air pollutant, no later than 24 hours after such deviation commenced; and
2. For any other regulated air pollutant, no later than ten days after such deviation commenced.

### **J. PERMIT RENEWAL [RCSA §22a-174-33(j)(1)(B)]**

All of the terms and conditions of this Title V permit shall remain in effect until the renewal permit is issued or denied provided that a timely renewal application is filed in accordance with RCSA §§22a-174-33(g), -33(h), and -33(i).

### **K. OPERATE IN COMPLIANCE [RCSA §22a-174-33(j)(1)(C)]**

The Permittee shall operate the source in compliance with the terms of all applicable regulations, the terms of this Title V permit, and any other applicable provisions of law. In addition, any noncompliance constitutes a violation of the Clean Air Act and Chapter 446c of the Connecticut General Statutes and is grounds for federal and/or state enforcement action, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application.

### **L. COMPLIANCE WITH PERMIT [RCSA §22a-174-33(j)(1)(G)]**

This Title V permit shall not be deemed to:

1. Preclude the creation or use of emission reduction credits or allowances or the trading thereof in accordance with RCSA §§22a-174-33(j)(1)(I) and -33(j)(1)(P), provided that the commissioner's prior written approval of the creation, use, or trading is obtained;
2. Authorize emissions of an air pollutant so as to exceed levels prohibited pursuant to 40 CFR Part 72;
3. Authorize the use of allowances pursuant to 40 CFR Parts 72 through 78, inclusive, as a defense to noncompliance with any other applicable requirement; or
4. Impose limits on emissions from items or activities specified in RCSA §§22a-174-33(g)(3)(A) and -33(g)(3)(B) unless imposition of such limits is required by an applicable requirement.

### **M. INSPECTION TO DETERMINE COMPLIANCE [RCSA §22a-174-33(j)(1)(M)]**

The commissioner may, for the purpose of determining compliance with this Title V permit and other applicable requirements, enter the premises at reasonable times to inspect any facilities, equipment, practices, or operations regulated or required under such permit; to sample or otherwise monitor substances or parameters; and to review and copy relevant records lawfully required to be maintained at such premises in accordance with this Title V permit. It shall be grounds for permit revocation should entry, inspection, sampling, or monitoring be denied or effectively denied, or if access to and the copying of relevant records is denied or effectively denied.

## Section VI: Title V Requirements

### **N. PERMIT AVAILABILITY**

The Permittee shall have available at the facility at all times a copy of this Title V permit.

### **O. SEVERABILITY CLAUSE [RCSA §22a-174-33(j)(1)(R)]**

The provisions of this Title V permit are severable. If any provision of this Title V permit or the application of any provision of this Title V permit to any circumstance is held invalid, the remainder of this Title V permit and the application of such provision to other circumstances shall not be affected.

### **P. NEED TO HALT OR REDUCE ACTIVITY [RCSA §22a-174-33(j)(1)(T)]**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Title V permit.

### **Q. PERMIT REQUIREMENTS [RCSA §22a-174-33(j)(1)(V)]**

The filing of an application or of a notification of planned changes or anticipated noncompliance does not stay the Permittee's obligation to comply with this Title V permit.

### **R. PROPERTY RIGHTS [RCSA §22a-174-33(j)(1)(W)]**

This Title V permit does not convey any property rights or any exclusive privileges. This Title V permit is subject to, and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the facility or regulated activity affected thereby, including CGS §4-181a(b) and RCSA §22a-3a-5(b). This Title V permit shall neither create nor affect any rights of persons who are not parties to this Title V permit.

### **S. ALTERNATIVE OPERATING SCENARIO RECORDS [RCSA §22a-174-33(o)(3)]**

The Permittee shall, contemporaneously with making a change authorized by this Title V permit from one alternative operating scenario to another, maintain a record at the premises indicating when changes are made from one operating scenario to another and shall maintain a record of the current alternative operating scenario.

### **T. OPERATIONAL FLEXIBILITY AND OFF-PERMIT CHANGES [RCSA §22a-174-33(r)(2)]**

The Permittee may engage in any action allowed by the Administrator in accordance with 40 CFR §§70.4(b)(12)(i) to (iii)(B), inclusive, and 40 CFR §§70.4(b)(14)(i) to (iv), inclusive, without a Title V non-minor permit modification, minor permit modification or revision and without requesting a Title V non-minor permit modification, minor permit modification or revision provided such action does not:

1. Constitute a modification under 40 CFR Part 60, 61 or 63;
2. Exceed emissions allowable under the subject permit;
3. Constitute an action which would subject the Permittee to any standard or other requirement pursuant to 40 CFR Parts 72 to 78, inclusive; or
4. Constitute a non-minor permit modification pursuant to RCSA §22a-174-2a(d)(4).

## **Section VI: Title V Requirements**

At least seven days before initiating an action specified in RCSA §22a-174-33(r)(2)(A), the Permittee shall notify the Administrator and the commissioner in writing of such intended action.

### **U. INFORMATION FOR NOTIFICATION [RCSA §22a-174-33(r)(2)(A)]**

Written notification required under RCSA §22a-174-33(r)(2)(A) shall include a description of each change to be made, the date on which such change will occur, any change in emissions that may occur as a result of such change, any Title V permit terms and conditions that may be affected by such change, and any applicable requirement that would apply as a result of such change. The Permittee shall thereafter maintain a copy of such notice with the Title V permit. The commissioner and the Permittee shall each attach a copy of such notice to their copy of the Title V permit.

### **V. TRANSFERS [RCSA §22a-174-2a(g)]**

No person other than the Permittee shall act or refrain from acting under the authority of this Title V permit unless such permit has been transferred to another person in accordance with RCSA §22a-174-2a(g).

The proposed transferor and transferee of a permit shall submit to the commissioner a request for a permit transfer on a form provided by the commissioner. A request for a permit transfer shall be accompanied by any fees required by any applicable provision of the general statutes or regulations adopted thereunder. The commissioner may also require the proposed transferee to submit with any such request, the information identified in CGS §22a-6m.

### **W. REVOCATION [RCSA §22a-174-2a(h)]**

The commissioner may revoke this Title V permit on his own initiative or on the request of the Permittee or any other person, in accordance with CGS §4-182(c), RCSA §22a-3a-5(d), and any other applicable law. Any such request shall be in writing and contain facts and reasons supporting the request. The Permittee requesting revocation of this Title V permit shall state the requested date of revocation and provide evidence satisfactory to the commissioner that the subject source is no longer a Title V source.

Pursuant to the Clean Air Act, the Administrator has the power to revoke this Title V permit. Pursuant to the Clean Air Act, the Administrator also has the power to reissue this Title V permit if the Administrator has determined that the commissioner failed to act in a timely manner on a permit renewal application.

This Title V permit may be modified, revoked, reopened, reissued, or suspended by the commissioner, or the Administrator in accordance with RCSA §22a-174-33(r), CGS §22a-174c, or RCSA §22a-3a-5(d).

### **X. REOPENING FOR CAUSE [RCSA §22a-174-33(s)]**

This Title V permit may be reopened by the commissioner, or the Administrator in accordance with RCSA §22a-174-33(s).

### **Y. CREDIBLE EVIDENCE**

Notwithstanding any other provision of this Title V permit, for the purpose of determining compliance or establishing whether a Permittee has violated or is in violation of any permit condition, nothing in this Title V permit shall preclude the use, including the exclusive use, of any credible evidence or information.